

COMMUNICATIONS ACT AMENDMENTS RELATING TO BOOSTER OPERATIONS

JUNE 16, 1960.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HARRIS, from the Committee on Interstate and Foreign Commerce, submitted the following

R E P O R T

[To accompany S. 1886]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 1886) to amend the Communications Act of 1934 with respect to certain rebroadcasting activities, having considered the same, report favorably thereon with an amendment and recommend that the bill, as amended, do pass.

The amendment is as follows:

Page 2, line 5, strike out "Act" and insert "sentence".

PURPOSE

The purpose of this bill is to amend (1) section 318 of the Communications Act of 1934 so as to grant the Federal Communications Commission discretion to waive with respect to stations engaged solely in the function of rebroadcasting the signals of television broadcast stations, if the public interest, convenience, and necessity warrants, the statutory requirement that radio stations may be operated only by licensed operators; and (2) section 319 of the Communications Act so as to give the Federal Communications Commission discretion if it finds that the public interest, convenience, and necessity will be served thereby, to waive the requirement of a construction permit for a station that is engaged solely in rebroadcasting television signals if such a station was constructed on or before the enactment of this bill.

BACKGROUND

Boosters or repeaters have been used for some years as a means of extending television service to small communities remote from the metropolitan centers where television stations have been largely concentrated. They are technically the simplest and apparently the least

expensive means of achieving that end. Stripped to its barest essentials, a booster consists of a ordinary rooftop antenna strategically located to receive a usable, though normally weak signal from the distant station, a shielded cable connected to a small amplifier and running to a second rooftop antenna so situated as to beam the signal down into the community to be served, and an available power supply to feed the amplifier. Such an array receives the distant signal, amplifies it, and rebroadcasts it at low power on the same channel.

Booster installations now serve hundreds of landlocked areas, sparsely settled communities and sections that are distant from regular television stations which otherwise would be without television service. In most cases the installations are cooperatively financed. The contributions are solicited, in nearly all the cases, throughout the community or memberships are sold in a television club in order to finance maintenance and operation of the system.

NEED FOR THE LEGISLATION

The Commission had under active consideration a proceeding concerning the authorization of low-power television repeater operation (docket No. 12116).

On January 5, 1959, the FCC issued its report and order in docket 12116 in which a majority held that it would not adopt regulations authorizing the operation of a booster or repeater in the VHF band and released a public notice indicating that it would institute necessary legal proceedings to bring a halt to the unlicensed operation of boosters in the VHF band unless within 90 days the operating VHF boosters stated their intention to go to some other type of authorized television operation. It has been estimated that there were more than 1,000 of these VHF boosters operating at that time, particularly in the western part of the United States, serving thousands of people in sparsely settled areas and distant from any regularly operated television station.

On January 27, 1959, the FCC by a public notice announced that it was giving further study to the legal and technical aspects of the problem and that such studies would include possible new legislation looking toward amending the Communications Act and provide more flexibility in administering section 319 and a possible relaxation of the operator requirements for broadcasting stations.

On April 14, 1959, the Federal Communications Commission issued its public notice number 72034 and stated that it was recommending to Congress that amendments be made to the Communications Act so as to permit it to license qualifying television repeaters or booster stations in the VHF band under certain conditions.

ANALYSIS OF THE BILL

S. 1886, as amended, is limited specifically to the rebroadcasting or booster problem. Under the present provisions of section 318 of the Communications Act, all transmitting equipment in any station licensed under the act must be operated by persons holding an operator's license issued by the FCC. At present, the Commission is given discretion to waive that requirement except for certain named categories. In recent years the art of transmitting has advanced

tremendously and the Commission believes that it should have statutory latitude as to the requirements of operators of transmitting equipment engaged in rebroadcasting.

The bill, as amended, would grant the FCC discretion in waiving the operator requirement with respect to those stations engaged solely in the function of rebroadcasting the signals of television broadcasting stations.

The second section of the bill concerns section 319 of the Communications Act. Under the present provisions of section 319 the FCC would be unable to issue licenses to those boosters that are now on the air since those facilities were constructed before the Commission granted such facility licenses. The bill would amend section 319 so as to give the FCC sufficient discretion, if it finds that the public interest, convenience, and necessity would be served thereby, to waive the requirement of a construction permit for a station that is engaged solely in rebroadcasting television signals if such station was constructed on or before the enactment of this legislation.

All facilities that are now operating will be required to meet all the requirements which may be promulgated by the FCC.

The reports of the departments and agencies are as follows:

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., October 28, 1959.

HON. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.*

DEAR CHAIRMAN HARRIS: This is in response to your request of September 17, 1959, for Commission comment on S. 1886 which was passed by the Senate on September 9, 1959.

This bill is a limited version of H.R. 6471 which you introduced and of H.R. 6921 introduced by Mr. Dixon. Both of these bills reflect legislative recommendations made by the Federal Communications Commission on April 8, 1959. The Commission recommended and these two bills proposed, in part, amendment of section 318 of the Communications Act so as to permit the Commission to waive or modify the otherwise mandatory requirement that the actual operation of all transmitting apparatus in a radio broadcasting station be carried on only by a person holding an operator's license issued to him by the Commission. The provisions of S. 1886, however, relax the requirement for operators only for stations engaged solely in the function of rebroadcasting the signals of television broadcast stations.

As you are aware, the Commission's recommendations regarding amendment of section 318 have grown out of our consideration of the possibility of licensing a substantial number of television repeater stations or boosters. The considerations which favor authorization of these types of stations also suggest the desirability of exempting them from the statutory operator requirements generally applicable to all broadcasting stations. The bill, S. 1886, accomplishes this by specifically removing the requirement for the rebroadcast type of station only. In the Senate Interstate and Foreign Commerce Committee reports concerning S. 1886 it is pointed out that the FCC's original request urged broad discretion which would have permitted the Commission to waive the operator requirements for regular broadcast stations as well as for boosters, but goes on to state that the committee

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"feels this request was too broad and that the hearing record would not support such a proposal." It is further stated that the committee therefore limited the discretion being granted to the Commission by the bill therein reported to those operations engaged solely in the function of rebroadcasting signals of television broadcasting stations.

We do not intend to suggest that S. 1886 would not solve the problem which is the immediate purpose of amending section 318 and, of course, favor the amendment on that basis. We do suggest, however, that the provision of section 318 requiring operators at all broadcast stations is out of keeping with the general tenor of the act in which the Commission has wide discretion regarding purely technical operating requirements. We believe this discretion and the attendant flexibility highly desirable if not absolutely necessary because of ever-changing technical considerations and advances. As we have previously stated, we believe unattended operation of other broadcast stations technically feasible but are not now contemplating the immediate or even the eventual removal from Commission rules of the requirements for operators at all broadcasting stations. Rather, we are suggesting removal of the statutory requirement in this regard as a desirable modernization of this section of the act apart from the immediate purpose of permitting unattended operation of television boosters.

Section 2 of S. 1886 would amend section 319 of the Communications Act so as to permit the Commission to waive the requirement for a construction permit for stations engaged solely in rebroadcasting. In the Commission's suggestion regarding amendment of 319 the waiver could be given only for the television boosters constructed prior to January 1, 1959. The bill S. 1886 would permit the waiver for any such station constructed prior to the effective date of the amendment. The Commission has no objections to the change in date and endorses the amendment of 319 contemplated by S. 1886.

By direction of the Commission:

JOHN C. DOERFER, *Chairman.*

FEDERAL AVIATION AGENCY,
Washington, D.C., March 25, 1960.

HON. OREN HARRIS,
*Chairman, Interstate and Foreign Commerce Committee,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your letter of September 17, 1959, requesting a report with respect to S. 1886, an act to amend the Communications Act of 1934 with respect to certain rebroadcasting activities.

The purpose of this act is to amend section 318 of the Communications Act of 1934 so as to grant the Federal Communications Commission discretion to waive the statutory requirements concerning the operation of transmitting equipment used in booster or rebroadcasting stations if the public interest, convenience, and necessity warrants such action. It would also amend section 319 of that act granting the Federal Communications Commission similar discretion, if the public interest requires, with respect to waiving the requirement of a construction permit for a booster that is engaged solely in re-

broadcasting TV signals, if such a booster was constructed on or before the enactment of this act.

The Federal Aviation Agency has reviewed the provisions of S. 1886 and recommends that it be given favorable consideration. We feel that enactment of this legislation would be in the public interest. It is assumed that the Federal Communications Commission will issue necessary rules and regulations preventing interference to other communication services, such as those required in controlling air traffic.

We have been advised by the Bureau of the Budget that there would be no objection to the submission of this report to your committee.

Sincerely,

E. R. QUESADA, *Administrator.*

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, March 11, 1960.

Hon. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives.*

DEAR MR. CHAIRMAN: Reference is made to your request for the comments of the Department of Defense on S. 1886, Congress, an act to amend the Communications Act of 1934 with respect to certain rebroadcasting activities. The Secretary of Defense has delegated to this Department the responsibility for expressing the views of the Department of Defense on this legislative proposal.

The purpose of S. 1886 is to facilitate the construction and operation of stations engaged solely in rebroadcasting signals of broadcasting stations. This purpose is identical to that of H.R. 6471 and H.R. 6921 which were reported on by our letter of June 29, 1959, to your committee. S. 1886 would accomplish its purpose in two ways:

(1) By authorizing the Federal Communications Commission to waive or modify the present requirement of the law that a station "engaged in broadcasting" shall be operated by a person holding an operator's license; and

(2) By authorizing the Federal Communications Commission to waive, in certain additional cases, the requirement that a station engaged in rebroadcasting signals of broadcasting stations obtain a construction permit.

The Department of the Air Force, on behalf of the Department of Defense, interposes no objection to the enactment of this bill, since it has been advised by the Federal Communications Commission that no station involved would broadcast on frequencies below 54,000 kilocycles. It is pointed out that uncoordinated MF and HF broadcasting on frequencies below 30,000 kilocycles would adversely affect naval communications. The Federal Communications Commission has assured that the Department of Defense would be advised of and given an opportunity to be heard on any changes to the procedures as stated above.

This legislation would have no effect on Department of Defense appropriations.

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This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

LYLE S. GARLOCK,
Assistant Secretary of the Air Force.

THE SECRETARY OF COMMERCE,
Washington, D.C., March 4, 1960.

HON. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your request of September 17, 1959, for the views of this Department with respect to S. 1886, an act to amend the Communications Act of 1934 with respect to certain rebroadcasting activities.

The bill would amend the Communications Act of 1934 so as to grant the Federal Communications Commission discretion to waive, under certain conditions, certain requirements relating to booster or rebroadcasting operations. Such operations are used as a means of extending television service to small communities remote from metropolitan centers.

The Department believes that the bill is in the public interest and we would interpose no objection to enactment thereof.

The Bureau of the Budget has advised that it would interpose no objection to the submission of this report to your committee.

Sincerely yours,

PHILIP A. RAY,
Under Secretary of Commerce.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., February 24, 1960.

HON. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.*

MY DEAR MR. CHAIRMAN: This is in reply to your letter of September 17, 1959, requesting the views of the Bureau of the Budget on S. 1886, to amend the Communications Act of 1934 with respect to certain rebroadcasting activities.

The proposed legislation would permit the Federal Communications Commission, in cases involving stations engaged solely in rebroadcasting television signals of other stations, to waive the requirements that (1) transmitting equipment be operated by persons licensed by the Commission, and (2) permits for station construction be obtained from the Commission by stations constructed on or prior to the date of the bill's enactment. Since the Commission cannot legally license stations which either were constructed without a Federal Communications Commission permit or are operated without a licensed operator,

the bill would permit (but would not require) the Commission to authorize television booster stations.

This Office would have no objection to the enactment of this measure.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

COMMITTEE HEARINGS

The Subcommittee on Communication and Power held hearings on June 6 and 7, 1960, on S. 1886 and the following House resolutions and bills dealing in part with the same subject:

- House Concurrent Resolution 42, by Representative Aspinall.
- House Concurrent Resolution 43, by Representative Brock.
- House Concurrent Resolution 44, by Representative Horan.
- House Concurrent Resolution 54, by Representative Johnson of Colorado.
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- House Concurrent Resolution 58, by Representative Burdick.
- House Concurrent Resolution 59, by Representative Montoya.
- House Concurrent Resolution 70, by Representative Metcalf.
- House Concurrent Resolution 76, by Representative Baring.
- House Concurrent Resolution 81, by Representative Wharton.
- House Concurrent Resolution 94, by Representative Dixon.
- House Joint Resolution 186, by Representative Chenoweth.
- H.R. 11040, by Representative King of Utah.
- H.R. 11333, by Representative Dixon.
- H.R. 3706, by Representative Barry.
- H.R. 3732, by Representative Horan.
- H.R. 3737, by Representative Magnuson.
- H.R. 3740, by Representative Metcalf.
- H.R. 3743, by Representative Pfof.
- H.R. 3771, by Representative Weaver.
- H.R. 3845, by Representative Brock.
- H.R. 3929, by Representative Westland.
- H.R. 3999, by Representative Baring.

The witnesses appearing before the subcommittee favored the legislation. The committee knows of no opposition to the legislation and urges its enactment.

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CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as passed by the Senate, are shown as follows (new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTIONS 318 AND 319(d) OF THE COMMUNICATIONS ACT OF 1934 (47 U.S.C. 318, 319(d))

OPERATION OF TRANSMITTING APPARATUS

SEC. 318. The actual operation of all transmitting apparatus in any radio station for which a station license is required by this Act shall be carried on only by a person holding an operator's license issued hereunder, and no person shall operate any such apparatus in such station except under and in accordance with an operator's license issued to him by the Commission: *Provided, however,* That the Commission if it shall find that the public interest, convenience, or necessity will be served thereby may waive or modify the foregoing provisions of this section for the operation of any station except (1) stations for which licensed operators are required by international agreement, (2) stations for which licensed operators are required for safety purposes, (3) stations engaged in broadcasting (*other than those engaged solely in the function of rebroadcasting the signals of television broadcast stations*), and (4) stations operated as common carriers on frequencies below thirty thousand kilocycles: *Provided further,* That the Commission shall have power to make special regulations governing the granting of licenses for the use of automatic radio devices and for the operation of such devices.

CONSTRUCTION PERMITS

SEC. 319. (a) * * *

* * * * *

(d) A permit for construction shall not be required for Government stations, amateur stations, or mobile stations. With respect to stations or classes of stations other than Government stations, amateur stations, mobile stations, and broadcasting stations, the Commission may waive the requirement of a permit for construction if it finds that the public interest, convenience, or necessity would be served thereby: *Provided, however,* That such waiver shall apply only to stations whose construction is begun subsequent to the effective date of the waiver. *If the Commission finds that the public interest, convenience, and necessity would be served thereby, it may waive the requirement of a permit for construction of a station that is engaged solely in rebroadcasting television signals if such station was constructed on or before the date of enactment of this Act.*



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REPORT

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PURPOSE

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BACKGROUND

Boosters or repeaters have been used for some years as a means of extending television service to small communities remote from the metropolitan centers where television stations have been largely concentrated. They are technically the simplest and apparently the least

expensive means of achieving that end. Stripped to its barest essentials, a booster consists of a ordinary rooftop antenna strategically located to receive a usable, though normally weak signal from the distant station, a shielded cable connected to a small amplifier and running to a second rooftop antenna so situated as to beam the signal down into the community to be served, and an available power supply to feed the amplifier. Such an array receives the distant signal, amplifies it, and rebroadcasts it at low power on the same channel.

Booster installations now serve hundreds of landlocked areas, sparsely settled communities and sections that are distant from regular television stations which otherwise would be without television service. In most cases the installations are cooperatively financed. The contributions are solicited, in nearly all the cases, throughout the community or memberships are sold in a television club in order to finance maintenance and operation of the system.

NEED FOR THE LEGISLATION

The Commission had under active consideration a proceeding concerning the authorization of low-power television repeater operation (docket No. 12116).

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ANALYSIS OF THE BILL

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tremendously and the Commission believes that it should have statutory latitude as to the requirements of operators of transmitting equipment engaged in rebroadcasting.

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All facilities that are now operating will be required to meet all the requirements which may be promulgated by the FCC.

The reports of the departments and agencies are as follows:

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., October 28, 1959.

HON. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.*

DEAR CHAIRMAN HARRIS: This is in response to your request of September 17, 1959, for Commission comment on S. 1886 which was passed by the Senate on September 9, 1959.

This bill is a limited version of H.R. 6471 which you introduced and of H.R. 6921 introduced by Mr. Dixon. Both of these bills reflect legislative recommendations made by the Federal Communications Commission on April 8, 1959. The Commission recommended and these two bills proposed, in part, amendment of section 318 of the Communications Act so as to permit the Commission to waive or modify the otherwise mandatory requirement that the actual operation of all transmitting apparatus in a radio broadcasting station be carried on only by a person holding an operator's license issued to him by the Commission. The provisions of S. 1886, however, relax the requirement for operators only for stations engaged solely in the function of rebroadcasting the signals of television broadcast stations.

As you are aware, the Commission's recommendations regarding amendment of section 318 have grown out of our consideration of the possibility of licensing a substantial number of television repeater stations or boosters. The considerations which favor authorization of these types of stations also suggest the desirability of exempting them from the statutory operator requirements generally applicable to all broadcasting stations. The bill, S. 1886, accomplishes this by specifically removing the requirement for the rebroadcast type of station only. In the Senate Interstate and Foreign Commerce Committee reports concerning S. 1886 it is pointed out that the FCC's original request urged broad discretion which would have permitted the Commission to waive the operator requirements for regular broadcast stations as well as for boosters, but goes on to state that the committee

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"feels this request was too broad and that the hearing record would not support such a proposal." It is further stated that the committee therefore limited the discretion being granted to the Commission by the bill therein reported to those operations engaged solely in the function of rebroadcasting signals of television broadcasting stations.

We do not intend to suggest that S. 1886 would not solve the problem which is the immediate purpose of amending section 318 and, of course, favor the amendment on that basis. We do suggest, however, that the provision of section 318 requiring operators at all broadcast stations is out of keeping with the general tenor of the act in which the Commission has wide discretion regarding purely technical operating requirements. We believe this discretion and the attendant flexibility highly desirable if not absolutely necessary because of ever-changing technical considerations and advances. As we have previously stated, we believe unattended operation of other broadcast stations technically feasible but are not now contemplating the immediate or even the eventual removal from Commission rules of the requirements for operators at all broadcasting stations. Rather, we are suggesting removal of the statutory requirement in this regard as a desirable modernization of this section of the act apart from the immediate purpose of permitting unattended operation of television boosters.

Section 2 of S. 1886 would amend section 319 of the Communications Act so as to permit the Commission to waive the requirement for a construction permit for stations engaged solely in rebroadcasting. In the Commission's suggestion regarding amendment of 319 the waiver could be given only for the television boosters constructed prior to January 1, 1959. The bill S. 1886 would permit the waiver for any such station constructed prior to the effective date of the amendment. The Commission has no objections to the change in date and endorses the amendment of 319 contemplated by S. 1886.

By direction of the Commission:

JOHN C. DOERFER, *Chairman.*

FEDERAL AVIATION AGENCY,
Washington, D.C., March 25, 1960.

HON. OREN HARRIS,
*Chairman, Interstate and Foreign Commerce Committee,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your letter of September 17, 1959, requesting a report with respect to S. 1886, an act to amend the Communications Act of 1934 with respect to certain rebroadcasting activities.

The purpose of this act is to amend section 318 of the Communications Act of 1934 so as to grant the Federal Communications Commission discretion to waive the statutory requirements concerning the operation of transmitting equipment used in booster or rebroadcasting stations if the public interest, convenience, and necessity warrants such action. It would also amend section 319 of that act granting the Federal Communications Commission similar discretion, if the public interest requires, with respect to waiving the requirement of a construction permit for a booster that is engaged solely in re-

broadcasting TV signals, if such a booster was constructed on or before the enactment of this act.

The Federal Aviation Agency has reviewed the provisions of S. 1886 and recommends that it be given favorable consideration. We feel that enactment of this legislation would be in the public interest. It is assumed that the Federal Communications Commission will issue necessary rules and regulations preventing interference to other communication services, such as those required in controlling air traffic.

We have been advised by the Bureau of the Budget that there would be no objection to the submission of this report to your committee.

Sincerely,

E. R. QUESADA, *Administrator.*

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE SECRETARY,
Washington, March 11, 1960.

HON. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives.*

DEAR MR. CHAIRMAN: Reference is made to your request for the comments of the Department of Defense on S. 1886, Congress, an act to amend the Communications Act of 1934 with respect to certain rebroadcasting activities. The Secretary of Defense has delegated to this Department the responsibility for expressing the views of the Department of Defense on this legislative proposal.

The purpose of S. 1886 is to facilitate the construction and operation of stations engaged solely in rebroadcasting signals of broadcasting stations. This purpose is identical to that of H.R. 6471 and H.R. 6921 which were reported on by our letter of June 29, 1959, to your committee. S. 1886 would accomplish its purpose in two ways:

(1) By authorizing the Federal Communications Commission to waive or modify the present requirement of the law that a station "engaged in broadcasting" shall be operated by a person holding an operator's license; and

(2) By authorizing the Federal Communications Commission to waive, in certain additional cases, the requirement that a station engaged in rebroadcasting signals of broadcasting stations obtain a construction permit.

The Department of the Air Force, on behalf of the Department of Defense, interposes no objection to the enactment of this bill, since it has been advised by the Federal Communications Commission that no station involved would broadcast on frequencies below 54,000 kilocycles. It is pointed out that uncoordinated MF and HF broadcasting on frequencies below 30,000 kilocycles would adversely affect naval communications. The Federal Communications Commission has assured that the Department of Defense would be advised of and given an opportunity to be heard on any changes to the procedures as stated above.

This legislation would have no effect on Department of Defense appropriations.

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This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense. The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

LYLE S. GARLOCK,
Assistant Secretary of the Air Force.

THE SECRETARY OF COMMERCE,
Washington, D.C., March 4, 1960.

HON. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in reply to your request of September 17, 1959, for the views of this Department with respect to S. 1886, an act to amend the Communications Act of 1934 with respect to certain rebroadcasting activities.

The bill would amend the Communications Act of 1934 so as to grant the Federal Communications Commission discretion to waive, under certain conditions, certain requirements relating to booster or rebroadcasting operations. Such operations are used as a means of extending television service to small communities remote from metropolitan centers.

The Department believes that the bill is in the public interest and we would interpose no objection to enactment thereof.

The Bureau of the Budget has advised that it would interpose no objection to the submission of this report to your committee.

Sincerely yours,

PHILIP A. RAY,
Under Secretary of Commerce.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., February 24, 1960.

HON. OREN HARRIS,
*Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D.C.*

MY DEAR MR. CHAIRMAN: This is in reply to your letter of September 17, 1959, requesting the views of the Bureau of the Budget on S. 1886, to amend the Communications Act of 1934 with respect to certain rebroadcasting activities.

The proposed legislation would permit the Federal Communications Commission, in cases involving stations engaged solely in rebroadcasting television signals of other stations, to waive the requirements that (1) transmitting equipment be operated by persons licensed by the Commission, and (2) permits for station construction be obtained from the Commission by stations constructed on or prior to the date of the bill's enactment. Since the Commission cannot legally license stations which either were constructed without a Federal Communications Commission permit or are operated without a licensed operator;

the bill would permit (but would not require) the Commission to authorize television booster stations.

This Office would have no objection to the enactment of this measure.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

COMMITTEE HEARINGS

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- House Concurrent Resolution 58, by Representative Burdick.
- House Concurrent Resolution 59, by Representative Montoya.
- House Concurrent Resolution 70, by Representative Metcalf.
- House Concurrent Resolution 76, by Representative Baring.
- House Concurrent Resolution 81, by Representative Wharton.
- House Concurrent Resolution 94, by Representative Dixon.
- House Joint Resolution 186, by Representative Chenoweth.
- H.R. 11040, by Representative King of Utah.
- H.R. 11333, by Representative Dixon.
- H.R. 3706, by Representative Barry.
- H.R. 3732, by Representative Horan.
- H.R. 3737, by Representative Magnuson.
- H.R. 3740, by Representative Metcalf.
- H.R. 3743, by Representative Pfof.
- H.R. 3771, by Representative Weaver.
- H.R. 3845, by Representative Brock.
- H.R. 3929, by Representative Westland.
- H.R. 3999, by Representative Baring.

The witnesses appearing before the subcommittee favored the legislation. The committee knows of no opposition to the legislation and urges its enactment.

8 COMMUNICATIONS ACT AMENDMENTS—BOOSTER OPERATIONS

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as passed by the Senate, are shown as follows (new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTIONS 318 AND 319(d) OF THE COMMUNICATIONS ACT OF 1934 (47 U.S.C. 318, 319(d))

OPERATION OF TRANSMITTING APPARATUS

SEC. 318. The actual operation of all transmitting apparatus in any radio station for which a station license is required by this Act shall be carried on only by a person holding an operator's license issued hereunder, and no person shall operate any such apparatus in such station except under and in accordance with an operator's license issued to him by the Commission: *Provided, however,* That the Commission if it shall find that the public interest, convenience, or necessity will be served thereby may waive or modify the foregoing provisions of this section for the operation of any station except (1) stations for which licensed operators are required by international agreement, (2) stations for which licensed operators are required for safety purposes, (3) stations engaged in broadcasting (*other than those engaged solely in the function of rebroadcasting the signals of television broadcast stations*), and (4) stations operated as common carriers on frequencies below thirty thousand kilocycles: *Provided further,* That the Commission shall have power to make special regulations governing the granting of licenses for the use of automatic radio devices and for the operation of such devices.

CONSTRUCTION PERMITS

SEC. 319. (a) * * *

* * * * *

(d) A permit for construction shall not be required for Government stations, amateur stations, or mobile stations. With respect to stations or classes of stations other than Government stations, amateur stations, mobile stations, and broadcasting stations, the Commission may waive the requirement of a permit for construction if it finds that the public interest, convenience, or necessity would be served thereby: *Provided, however,* That such waiver shall apply only to stations whose construction is begun subsequent to the effective date of the waiver. *If the Commission finds that the public interest, convenience, and necessity would be served thereby, it may waive the requirement of a permit for construction of a station that is engaged solely in rebroadcasting television signals if such station was constructed on or before the date of enactment of this Act.*